



Ordinary Council Meeting
Agenda
2 May 2017

NOTICE OF MEETING

Notice is hereby given that the

Shire of Exmouth
Ordinary Council Meeting

will be held on
2 May 2017
Commencing at 4.30pm
In the Council Chambers, Administration Centre,
22 Maidstone Crescent, Exmouth

Keith Woodward
Acting Chief Executive Officer

2 May 2017

Disclaimer

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note this agenda contains recommendations which have not yet been adopted by Council.

No responsibility whatsoever is implied or accepted by the Shire of Exmouth for any act, omission, statement or intimation occurring during the Council/Committee meetings or during formal/informal conversations with staff. The Shire of Exmouth disclaims any liability for any loss whatsoever and however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broader disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Exmouth during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Exmouth. The Shire of Exmouth warns that anyone who has an application lodged with the Shire of Exmouth must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attached to the decision made by the Shire of Exmouth in respect of the application.

DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE) (updated 13 March 2000)

A member who has a **Financial Interest** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (c) Preside at the part of the Meeting, relating to the matter or;
- (d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest** in a matter. I intend to include these notes in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the *Local Government Act*; or
 - 6.2 Where the Minister allows the Councillor to participate under s5.69 (3) of the *Local Government Act*, with or without conditions.

INTERESTS AFFECTING IMPARTIALITY

DEFINITION: *An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'.*

A member who has an **Interest Affecting Impartiality** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- (a) in a written notice given to the Chief Executive Officer before the Meeting; or
- (b) at the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY CLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote.

With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

SHIRE OF EXMOUTH DISCLOSURE OF INTEREST

To: Chief Executive Officer

As required by Section 5.65(1)(a) of the Local Government Act 1995, I _____ hereby declare my interest in the following matters included on the Agenda paper for the Council/Committee meeting to be held on _____ (Date).

| Item No. | Subject | Details of Interest | *Extent of Interest (see below) |
|----------|---------|---------------------|------------------------------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

*Extent of Interest only has to be declared if the Councillor also requests to remain present at a meeting, preside, or participate in discussions or the decision making process (see item 6 below)

Councillor / Employee Signature _____ Date _____

NB:

1. This notice must be given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter in which you have an interest is discussed, Section 5.65(2)(a) & (b).
2. It remains Councillor’s responsibility to make further declarations to the Council if a matter arises during the course of a meeting and no previous declarations have been made.
3. It is a Councillor’s responsibility to ensure that the interest is brought to the attention of the Council/Committee when the Agenda item arises and to ensure that it is recorded in the minutes.
4. It remains the Councillor’s responsibility to ensure that he/she does not vote on a matter in which a declaration has been made, unless specifically entitled under the Local Government Act 1995. This responsibility also includes the recording of particulars in minutes to ensure they are correct when such minutes are being confirmed.
5. It is recommended that when previewing Agendas, Councillors mark Agendas with items on which an interest is to be declared and complete the declaration form at the same time.
6. Councillors may be allowed to remain at meetings at which they have declared an interest and may also be allowed to preside (if applicable) and participate in discussions and the decision making process upon the declared matter subject to strict compliance with the enabling provisions of the Local Government Act 1995 and appropriately recorded resolutions of the Council. Where Councillor’s request consideration of such Council approval the affected Councillor must vacate the Council Chambers in the first instance whilst the Council discusses and decides upon the Councillor’s application.
7. Local Governments are required to include in their codes of conduct certain provisions in relation to the disclosure of interests that are perceived to affect the impartiality of elected members or employees. It is the Councillor’s responsibility to declare those matters where they perceive they may have an Impartiality Interest – however Councillor’s are entitled to stay in the room, participate in the debate and vote on matters where they have declared an Impartiality Interest.

Remember: The responsibility to declare an interest rests with individual Councillors. If Councillor’s are in any doubt seek legal opinion or, to be absolutely sure, simply declare in any case.

Office Use Only:

Date/Initial

1. Particulars of declaration given to the meeting _____

2. Particulars recorded in the minutes _____

Signed by the Chief Executive Officer _____

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ORDINARY COUNCIL MEETING AGENDA

Our Vision

To support and develop a vibrant, welcoming community that embraces its past, values its present and plans for a sustainable future

Our Purpose

To responsibly provide governance for the whole community in the best interest of current and future generations

Our Strategic Objectives

- To provide sustainable management of the organisation
- To consistently apply the principles of Good Governance
 - To communicate effectively
 - To promote socioeconomic development
 - To value our environment and heritage

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTIONS TIME

In accordance with section 5.24 of the Local Government Act 1995, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them.

Council Consideration Towards Public

When public questions necessitate resolutions of Council, out of courtesy and at the President discretion the matter is to be dealt with immediately to allow the public to observe the determination of the matter (obviates the need for the public to wait an undetermined period of time).

When a matter is listed on the Agenda and member/s of the public are in attendance to observe the determination of the matter, out of courtesy and at the discretion of the President the matter is to be brought forward on the agenda and dealt with immediately

to allow the public to observe the determination of the matter (again this obviates the need for the public to wait an indeterminate period of time).

5. DECLARATIONS OF INTEREST

| Item/Description | Name | Detail of Interest | Extent of Interest |
|------------------|------|--------------------|--------------------|
| | | | |

6. APPLICATIONS FOR LEAVE OF ABSENCE

The Local Government Act 1995 (Section 2.25) provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. A member who is absent, without first obtaining leave of the Council, throughout three consecutive Ordinary meetings of the Council is disqualified from continuing his or her membership of the Council.

Disqualification from membership of the Council for failure to attend Ordinary Meetings of the Council will be avoided so long as the Council grants leave prior to the member being absent. The leave cannot be granted retrospectively. An apology for non attendance at a meeting is not an application for leave of absence.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 4 April 2017 be confirmed as a true and correct record of proceedings.

That the Minutes of the Special Council Meeting of the Shire of Exmouth held on the 20 April 2017 be confirmed as a true and correct record of proceedings.

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

10. MATTERS ARISING FROM COMMITTEES OF COUNCIL

11. EXECUTIVE SERVICES

11.1 MULTI PURPOSE DEEPWATER WHARF EXMOUTH

| | |
|-------------------------|--------------------------------|
| File Reference: | ED.PJ.11 |
| Responsible Officer: | Acting Chief Executive Officer |
| Date of Report: | 20 April 2017 |
| Applicant/Proponent: | Nil |
| Disclosure of Interest: | Nil |
| Attachment(s): | Nil |

PURPOSE

That Council approve correspondence be sent to the Hon. Alannah MacTiernan, Minister for Regional Development; Agriculture and Food; Minister assisting the Minister for State Development, Jobs and Trade, requesting that the \$300,000 Royalties for Regions grant titled, "*Exmouth Marine Infrastructure Project*", which has been awarded to the Shire, now be redirected towards the 'Exmouth Marine Infrastructure Project Multipurpose Deepwater Wharf in Exmouth Gulf Project'.

BACKGROUND

Exmouth is centrally located in and within close range to offshore oil and gas facilities, being the closest Australian mainland point to key operating areas of the South China Sea. There are significant opportunities associated with a deep-water port in Exmouth with a view to increasing access to international markets for Australian commodities. As a result, Exmouth is strategically positioned to take advantage of industries including resource, agricultural, tourism and defence.

COMMENT

The 2017 Royalties for Regions grant to the Shire titled, "*Exmouth Marine Infrastructure Project*" is focused on a fill gap principle to provide adequate infrastructure to foster economic growth; capitalising on tourism, defence, resource and agriculture industries. The associated study is worth \$300,000 and the initial estimates of the 'fill gap' infrastructure is predicted to cost around \$18-\$20 million, in addition to expenses associated with site investigations, feasibility studies, approvals and consultancy fees. The Shire cannot afford, nor is it prepared to accept ongoing costs for operating and maintaining a fill gap infrastructure.

The Shire would prefer the \$300,000 Royalties for Regions grant be redirected towards the permanent 'Exmouth Marine Infrastructure Project Multipurpose Deepwater Wharf in Exmouth Gulf Project'. An Exmouth Multipurpose Deepwater Wharf may have the potential to broaden the base of the state's economy. The further development and application of appropriate business models will develop this concept.

The Shire would like to work with the Hon. Alannah MacTiernan, the Australian Defence Force and the private sector. The Shire envisages that this project has the potential to support regional agriculture and improve services in the region, while expanding opportunities to grow markets, productivity and profitability.

This project is supported by the aspirations and visions outlined by the Commonwealth Government, the State of Western Australia and the Shire of Exmouth. The Commonwealth Government is committed to developing Northern Australia and has identified the need to further develop port infrastructure to facilitate an increase in volumes of traffic and trade. In addition, the State Planning Strategy 2050, Gascoyne Regional Planning and Infrastructure Framework, State Government Strategy for Tourism in Western Australia 2020 and Gascoyne Revitalisation Plan all support critical infrastructure developments which lead to economic prosperity.

1. State Planning Strategy; Gascoyne Regional Infrastructure Planning Framework

The *Gascoyne Regional Planning and Infrastructure Framework* (2015) has identified a number of priority initiatives required to facilitate comprehensive regional planning to guide local planning processes. This document highlights potential infrastructure projects, including Exmouth, to meet the requirements associated with cruise ships and planning for other boating facilities. In addition, this document lists economic and employment opportunities which state:

- *"Developing existing and emerging export markets, particularly populous neighbouring Asian countries";*
- *"Expanding and diversifying the tourism sector";* and
- *"Improving the Gascoyne marine facilities to attract and meet the needs of recreational and industry users".*

The Project provides the necessary infrastructure to address the above mentioned opportunities and the State's planning principles which underpin and inform the State's planning strategy.

Furthermore, the *State Planning Strategy 2050* explicitly states that improvements can be made to the State's security on oil, gas and mining assets through the provision of physical and social infrastructure in Exmouth (*State Planning Strategy 2050*, page 106). The Project will deliver on improving security to the State resources.

2. Western Australian Cruise Shipping Plan

The *Western Australian Cruise Shipping Plan 2012-2020* includes the mission statement:

"To contribute significantly to the economic growth of tourism, and the State, by providing world-class cruise destinations, unique and extraordinary tourism experience and delivering high value benefits for passengers and local communities" (page 16).

One of the key areas this strategy focuses on is port infrastructure and policy. Exmouth has been identified as an increasingly attractive destination for cruise ships and gaining access to infrastructure is critical to developing the capacity of Exmouth to service this market. As a result, the *Gascoyne Regional Tourism Strategy 2014* has identified *"establish suitable berthing facilities for cruise ships in Exmouth"* as a 'Quick Win' for the region and therefore considered this project a key priority.

3. Gascoyne Regional Investment Blueprint

The *Gascoyne Regional Investment Blueprint* (Blueprint) supports economic diversification and the provision of infrastructure for long term economic and social growth. The Blueprint identifies four regional imperatives central to the future economic development and prosperity of the Gascoyne. These include

1. Food production;
2. Tourism- Destination First Choice;
3. Population Services; and
4. Resources Services and Supply Chains.

The deep-water port. The infrastructure provides the capacity for horticulture, livestock and seafood production to expand and diversify in meeting the demand of export markets; improves transport and accessibility in meeting the needs and emerging trends of cruise shipping; provides employment opportunities to increase population numbers required to reach the Gascoyne's economic potential; and will assist in securing long term development of minerals and resources by providing the relevant infrastructure and marketing to service larger shipping vessels.

4. Shire of Exmouth – Strategic Community Plan

The Shire of Exmouth Council has identified various strategic actions which support economic activities in tourism, defence and oil and gas in its *Strategic Community Plan 2011*.

The '*development of coastal commercial assets at the industrial estate*' is identified by Council as crucial infrastructure that will create a diverse and innovative economy with a range of employment opportunities.

CONSULTATION

The Commissioner, Ian Fletcher

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

Civic Leadership: 4 To work together as custodians of now and the future.

4.2 *A local government that is respected, professional, trustworthy and accountable.*

4.3 *To be strong advocates representing the region's interests.*

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION**ITEM 11.1**

That Council approve correspondence be sent to the Hon. Alannah MacTiernan, Minister for Regional Development; Agriculture and Food; Minister assisting the Minister for State Development, Jobs and Trade, requesting that the \$300,000 Royalties for Regions grant titled, "*Exmouth Marine Infrastructure Project*", which has been awarded to the Shire, now be redirected towards the 'Exmouth Marine Infrastructure Project Multipurpose Deepwater Wharf in Exmouth Gulf Project'.

11.2 AWARD TENDER 02-2017 SUPPLY AND LAYING OF BITUMEN

| | |
|-------------------------|--------------------------------|
| File Reference: | CM.TE.02.2017 |
| Responsible Officer: | Acting Chief Executive Officer |
| Date of Report: | 20 April 2017 |
| Applicant/Proponent: | Nil |
| Disclosure of Interest: | Nil |
| Attachment(s): | Nil |

PURPOSE

That Council recommend Tender 02-2017 Supply and Laying of Bitumen, is awarded to Fulton Hogan.

BACKGROUND

27 October 2016 Council passed the following resolution:

| | |
|---------------------------|------------------|
| COUNCIL RESOLUTION | ITEM 17.1 |
|---------------------------|------------------|

Res No: 06-1016

MOVED: Cr McHutchison

SECONDED: Cr Jones

That Council authorise the Executive Manager of Engineering Services to purchase asphalt and light/heavy equipment through the WALGA Preferred Supplier Program in accordance with the 2016/2017 Shire Budget.

CARRIED 5/0

7 March 2017 Council passed the following resolution:

| | |
|---------------------------|------------------|
| COUNCIL RESOLUTION | ITEM 11.4 |
|---------------------------|------------------|

Res No: 05-0317

That the Commissioner authorises:

- 1. The asphalt works on Murat Road and Madaffari Drive are cancelled.*
- 2. The associated grants from the Roads to Recovery and Main Roads programs are redirected into bitumen asset preservation works.*
- 3. The bitumen works are directed to town streets and the resealing program is identified via the ROMANS data and reassessed road condition ratings.*
- 4. The acquisition of the bitumen and stone will be managed via the WALGA preferred supply panel and the bitumen works will not exceed the budget allocation.*

CARRIED 1/0

COMMENT

Local Government can purchase bitumen services through the WALGA Preferred Supply Panel. This acquisition process is permitted in the *Local Government Act 1995 (Functions and General) Regulation (s.3.57) "(b) the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA"*. Under the *Local Government (Functions and General) Regulations*, a tender exemption applies to WALGA's Preferred Supplier Contracts.

WALGA Preferred Supplier Program

- The WALGA preferred Supplier Program complies with the *Local Government Regulation 1996 (Function and General)*.
- Purchasing through WALGA means that you do not have to tender. A tender exemption applies to all of our Preferred Supplier Contracts. This saves on time, money and risks associated with tendering.
- All of our Contracts (WALGA) are established by procurement specialists using a rigorous public and compliant market process. WALGA preferred suppliers are pre-qualified to provide Members with the safeguard of a quality-assured process, legal compliance, probity, risk mitigation and security of supply.

25 companies received the tender documents and 6 responded.

CONSULTATION

Western Australia Local Government Association (WALGA)
Main Roads WA

STATUTORY ENVIRONMENT

Section 3.57 of the *Local Government Act 1995 and the Local Government Regulation 1996 (Function and General) Part 4, Division 2 section 11 (2) (b)*.

The tenders will not be publically advertised but managed through the *WALGA Preferred Supply Program* as referenced in the *Local Government Regulation 1996 (Function and General) Part 4, Division 2 section 11 (2) (b)* negating the requirements of *Local Government Regulation 1996 Part 4, Division 2 section 14*.

POLICY IMPLICATIONS

Council Purchasing Policy 2.10

FINANCIAL IMPLICATIONS

This bitumen program is fully funded in the 2016/2017 Shire Budget. The budget is \$698,068 and the successful tendered rate was 526,172.50 excluding GST. Additional town streets will be added to the bitumen seal program to expend the project budget of \$698,068.

Project Budget: Table 1

| Table 1 | Main Roads (70% contribution) \$ | Shire (30% contribution) \$ | Roads to Recovery \$ | Total \$ | Comment |
|------------------------------------|---|--|-------------------------------------|---------------------|---|
| A125235 Madaffari Drive Asphalt | 98,412 | 49,206 | | 147,618 | Transfer to asset preservation works, bitumen 2016/2017 |
| A125232 Maidstone Upgrade | 66,700 | 36,346 | | 103,046 | Transfer to asset preservation works, bitumen 2016/2017 |
| R122700 Murat Road Asphalt | | | 447,404 | 447,404 | Transfer to asset preservation works, bitumen 2016/2017 |
| Total | | | | 698,068 | |

Summary of tendered Rates: Table 2

| Table 2 | | |
|------------------------|---|----------------------|
| RESPONSES | LOCATION | TOTAL INC GST |
| NO DATES INDICATED | EXMOUTH TOWN STREETS YARDIE CREEK ROAD CHARLES KNIFE ROAD RACK IN COAT/INTERSECTIONS POLY MODIFIED BINDER PER LITRE (EXTRA OVER) | \$ 594,223.85 |
| NO DATES INDICATED | EXMOUTH TOWN STREETS YARDIE CREEK ROAD CHARLES KNIFE ROAD RACK IN COAT/INTERSECTIONS POLY MODIFIED BINDER PER LITRE (RATE ONLY) | \$ 622,746.25 |
| APRIL/MAY 2017 | EXMOUTH TOWN STREETS YARDIE CREEK ROAD CHARLES KNIFE ROAD RACK IN COAT/INTERSECTIONS POLY MODIFIED BINDER PER LITRE "REFER NOTES TO BE READ IN CONJUNCTION WITH TENDERED RATES" | \$ 714,053.10 |
| FULTON HOGAN May-17 | EXMOUTH TOWN STREETS YARDIE CREEK ROAD CHARLES KNIFE ROAD RACK IN COAT/INTERSECTIONS POLY MODIFIED BINDER PER LITRE(RATE EXTRA OVER ADDITIONAL FROM RESEALS AS PER REPORT) | \$ 578,789.25 |
| NO DATES INDICATED | EXMOUTH TOWN STREETS YARDIE CREEK ROAD CHARLES KNIFE ROAD RACK IN COAT/INTERSECTIONS POLY MODIFIED BINDER PER M2 | \$ 675,285.23 |

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

- Economic: 1 To be a diverse and innovative economy with a range of local employment opportunities.
 1.5 *Maintain and improve Shire infrastructure.*
- Environment 2 To have a balanced respect for our environment and heritage, both natural and built.
 2.5 *To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment*
- Civic Leadership: 4 To work together as custodians of now and the future.
 4.2 *A local government that is respected, professional, trustworthy and accountable.*

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 11.2

That Council award Tender 02-2017 Supply and Laying of Bitumen to Fulton Hogan for \$698,068.

11.3 VARIATION TO FINANCIAL ASSISTANCE AGREEMENT - NINGALOO CENTRE

| | |
|-------------------------|--------------------------------|
| File Reference: | ED.PJ.1 |
| Responsible Officer: | Acting Chief Executive Officer |
| Date of Report: | May 2017 |
| Applicant/Proponent: | Nil |
| Disclosure of Interest: | Nil |
| Attachment(s): | Nil |

PURPOSE

That Council apply for an amendment to the Financial Assistance Agreement (FAA) associated with the leasing and occupancy arrangements at the Ningaloo Centre.

BACKGROUND

There is currently an agreement in place with Central Regional TAFE (Department of Training and Workforce Development) to occupy a portion of the Ningaloo Centre under a lease arrangement.

The funding arrangements for the Ningaloo Centre are managed via a FAA. The FAA is supported by a Business Plan (BP) and outlines the terms and conditions agreed in order to receive funds. The BP outlines the project description and scope.

The Shire must apply to the FAA partners to change the intent of the FAA or the project. The Shire's FAA partners are the Government of Western Australian Department of Regional Development, Australian Government Department of Infrastructure and Regional Development and the Lotteries Commission.

COMMENT

The proposal in this report is that the Central Regional TAFE leasable area be taken over by the Shire. It appears Central Regional TAFE is willing to cancel the agreement to lease the area previously negotiated, without penalty to either party.

The Shire will become an anchor tenant for the building, taking up the 420m² of floor space that had been earmarked for Central Regional TAFE. The Shire administration centre will take up just 11 per cent of the overall leasable space at the Ningaloo Centre.

The decision to relocate has not been taken lightly but was ultimately based on independent valuation of fair market rental advice (Property Value and Advisory WA) showed that under previously lease arranged, the Shire would have be subsidising the TAFE lease to the value of \$40,000 per year. If the arrangements were allowed to stand, the cost to ratepayers would be \$400,000 over the next 10 years.

CONSULTATION

The Commissioner Mr Ian Fletcher
Moore Stevens
Department of Training and Workforce Development
Department of Local Government and Communities
Department of Regional Development

STATUTORY ENVIRONMENT

Financial Assistance Agreements
Lease Contracts

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Shire is responsible for the operating costs of the Ningaloo Centre.

An independent preliminary report by Moore Stephens has reviewed the existing Shire Administration and Library operating costs and recommends these departments/facilities relocate to the Ningaloo Centre. The rationale being, if the facilities are transferred, costs to the Shire will be reduced. The report by Moore Stephens forecasts an elimination of duplication costs.

In addition, the Shire owns the Shire Administration lot freehold therefore has the power to lease or sell the property.

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

Civic Leadership: 4 To work together as custodians of now and the future.

4.2 *A local government that is respected, professional, trustworthy and accountable.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 11.3**

That Council authorise the formal application to revise the Financial Assistance Agreement to include the Shire of Exmouth Administration Centre occupying the Ningaloo Centre.

11.4 TOURISM OPPORTUNITIES AND PLANNING

| | |
|-------------------------|--------------------------------|
| File Reference: | CS.SP.29 |
| Responsible Officer: | Acting Chief Executive Officer |
| Date of Report: | May 2017 |
| Applicant/Proponent: | Nil |
| Disclosure of Interest: | Nil |
| Attachment(s): | Nil |

PURPOSE

That Council engage Edward J Watling & Associates, in association with Kirkgate Consulting, to undertake a review of the Exmouth Visitors Centre in association with the potential relocation of this operation to the Ningaloo Centre, Exmouth.

BACKGROUND

The Shire of Exmouth entered into a formal Funding Agreement in 2013 with the Exmouth Visitor Centre Management Committee (EVCMC). The agreement outlined the support provided by the Shire of Exmouth and the conditions for this support. The EVCMC is required to develop Key Performance Indicators to guide their deliverables and to provide specific reporting requirements to Council.

The Exmouth Visitors Centre will be relocating into the \$32m Ningaloo Centre. The Ningaloo Centre is the Exmouth landmark facility managing multiple tourism attractions.

The Shire needs to better understand the symbiosis between the Exmouth Visitors Centre and the Ningaloo Centre to maximise the experience and opportunities for the local, tourist and Exmouth businesses.



The state-of-the-art Ningaloo Centre will deliver new research, education, tourism and community facilities to Exmouth. This landmark building, located on Murat Road, will also provide a first class conference destination and is a perfect place to start exploring the Ningaloo Coast World Heritage area.

The Ningaloo Centre will be a hub for scientific research in the region as well as providing a centralised resource for education and community engagement. In this role the Ningaloo Centre will be the repository for all data sets on the Ningaloo Reef, Exmouth Gulf and Cape Range which will enable data-sharing between industry, the research community as well as non-government organisations.

Located on Murat Road and central within the developing township, it will have a presence to all visitors and residents alike, entwining itself into the essence of the Exmouth lifestyle. It will be a symbol of the community's passion for its natural environment and commitment to evolving a sustainable future. Education through the availability of information, knowledge exchange, research and dialogue, underpins its values as well as showcasing what Exmouth has to offer to the world.

COMMENT

Mr Eddie Watling and Kirkgate Consulting brings a unique skill set to the table including:

- *Strategic insight into economic and tourism development;*
- *Deep understanding and experience in dealing with government at all levels;*
- *Expertise in identifying assistance required and assembling the appropriate network; and*
- *Objectivity combined with a history of project success.*

Eddie has had more than 40 years in the tourism industry with both the government and the private sector. This includes 15 years with the Department of Tourism/WA Tourism Commission in the areas of finance, marketing and development and as the inaugural General Manager of the Tourism Commission. Eddie later worked for 6 years as consultant to the Minister for Tourism and 20 year as a founding Director of the firm Tourism Co-ordinates.

Eddie is a member of Certified Practising Accountants Australia (FCPA) and in 2014 was awarded the Order of Australia Medal for his services to the Western Australian Tourism Industry.

Current Industry Involvement

- *Co-ordinator Fremantle Fishing Boat Harbour Traders Group.*
- *Member Fremantle Fishing Boat Harbour Marine Facilities Advisory Committee.*
- *An ongoing working associate and co-consultancy with David Duncanson, Kirkgate Consulting, in numerous projects.*

Additional Recent Industry Involvements

- *Chairman of the Judging Panel, Western Australian Tourism Awards and Sir David Brand Tourism Awards (3 years) and previously judge of the awards (5 years).*
- *Judge of the Qantas Australian Tourism Awards (3 years).*

His past service to the industry includes;

- *Board member of the Australian Tourism Research Institute;*
- *Board member and Treasurer of the Indian Ocean Tourism Organisation;*
- *Board member Tourism Council Australia (WA);*
- *Member, Pacific Division, Pacific Asia Travel Association;*
- *Member, International Advisory Council, Pacific Asia Travel Association;*
- *Chairman and Executive Board Member, Pacific Asia Travel Association WA Chapter;*

- *Chairman, School of Marketing and Tourism Consultative Committee, Edith Cowan University;*
- *Member Board of Directors, Perth Convention Bureau;*
- *Member Board of Management, Tourism Industry Training Committee;*
- *Member of State Government International Relations Committee;*
- *Member, Perth Airport Facilitation Committee;*
- *Deputy Chairman, Department of Transport (WA) Commercial Passenger Vessels Advisory Committee;*
- *Member, Department of Conservation and Environment (WA) Tourism Industry Reference Group;*
- *Member of Western Australian Inter-Departmental Aviation Group; and*
- *Member of National Tourism Aviation Group.*

Industry Recognition

- *"Award of Merit" by the Pacific Asia Travel Association at its Annual Convention held in Hong Kong (1992). This award was in recognition of the contribution to both the Pacific Asia travel Association and to the tourism industry in the Pacific/Asia Region;*
- *"Foundation Members Award" by the Indian Ocean Tourism Association, at its Annual Conference in Mauritius (1999). A special award for services to that Association and tourism in the Indian Ocean Region;*
- *"Legends of the Hospitality and Tourism Industries Award" presented by the Premier of Western Australia (2001). An award initiated by the Restaurant and Catering Association of Western Australia in association with other industry groups including Tourism Council WA, the Wine Industry Association, Clubs WA, the Cabaret Owners Association of WA and the Hospitality and Tourism Industry Training Council; and*
- *"Meritorious Award" presented by Tourism Council WA at the Western Australian Tourism Awards Gala Dinner (2012) for 40 years of service to the tourism industry of Western Australia.*

The tourism projects of Kirkgate Consulting have included:

- *Shire of Goomalling – Review of Pioneer Pathways self-drive trail;*
- *Shire of Ashburton – Visitor Information Bay project Business Case development;*
- *Ferguson Valley Marketing – Development of Business Plan including Visitor Centre;*
- *Development of Memorandum of Understanding – Australia's South West Regional Tourism Organisation;*
- *Batchelor, Litchfield, Adelaide River Tourism Regions – Road Signage Study – Department of Transport – Northern Territory Government;*
- *City of Subiaco – Economic Development Strategy;*
- *Shire of Ashburton – Pilbara Development Commission grant applications;*
- *Pilbara Regional Council – Regional Signage Strategy;*
- *Shire of Ashburton – Royalties for Regions grant acquittals;*
- *Shire of Waroona – Economic Development Strategy;*
- *City of Subiaco – Retail and Hospitality Assessment;*
- *South West Development Commission – Business Case development (aged care housing);*
- *Tourism Council WA – Review of Tourism Awards guidelines;*
- *Shire of East Pilbara – Events Strategy;*
- *Cocos Islands Visitor Centre – Operational Plan Review;*

- *Shire of Shark Bay – signage audit & rebranding;*
- *Ashburton Group – Abrolos Islands strategy document;*
- *City of Belmont – Mixed Business Area Branding Strategy;*
- *EMRC – Co-working Spaces feasibility and Business Case;*
- *Shire of Irwin – Tourism Strategy;*
- *Geographe Bay Tourism Association – Cape Naturaliste Lighthouse Business Plan;*
- *Tourism Council WA – Industry Advisor;*
- *City of Mandurah – Peel Signage Strategy & Business Case Development;*
- *City of Fremantle – Pedestrian Signage Audit;*
- *Shire of Mount Magnet – Mid West Vermin Cell Business Case;*
- *Tourism Industry Regional Development Fund – various grant applications;*
- *Shire of Carnarvon – Tourism Signage Strategy & audit;*
- *WE-ROC - Accommodation study and development of business case for CLGF application;*
- *Small Business Centre South East Metro – Business Review;*
- *City of Busselton – Events Strategy;*
- *City of Fremantle – Signage Audit;*
- *NEWROC – Marketing and branding for new drive trail;*
- *City of Rockingham – Tourism Strategy;*
- *NEWROC – Accommodation study and development of business case for CLGF application;*
- *City of Rockingham – Market Validation and Feasibility Study for an annual Tourism Event ;*
- *City of Joondalup – Economic Development advisory services and strategy development;*
- *Central Midlands Voluntary Regional Organisation of Councils – Tourism signage audit;*
- *Shire of Plantagenet – Tourism signage audit;*
- *Strezlecki Group (Dolphin Quay, Mandurah) – Signage audit and strategic positioning;*
- *Fremantle Fishing Boat Harbour Traders – Seafood Festival Feasibility Study;*
- *City of Wanneroo – Tourism Strategy;*
- *City of Perth – Library & Public Plaza Project business case;*
- *City of Fremantle – Tourism signage audit;*
- *City of Fremantle - Report on Visitor Centre funding options;*
- *Rottneest Island Authority – Business review of Kingstown Barracks;*
- *Rottneest Island Authority – New governance structure report;*
- *South Coast Business Development Organisation – Restructuring Business Plan;*
- *Judge in 2010, 2011, 2012, 2013, 2014 & 2015 Western Australian Tourism Awards;*
- *Judge in 2012 & 2013 National Tourism Awards;*
- *City of Belmont – mixed business area business survey;*
- *City of Armadale – Tourism Strategy; and*
- *North East Wheatbelt Regional Organisation of Councils – CLGF Business Case development.*

CONSULTATION

The Commissioner, Mr Ian Fletcher.

The project scope of works will be formulated in conjunction with the Visitors Centre Committee.

STATUTORY ENVIRONMENT

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or

- (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.
- * Absolute majority required.

POLICY IMPLICATIONS

Council Purchasing Policy 2.10

FINANCIAL IMPLICATIONS

This is an unbudgeted expenditure. Savings will be identified in other areas of operations. The estimated cost of this engagement is \$15,000.

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

- Civic Leadership: 4 To work together as custodians of now and the future.
- 4.2 A local government that is respected, professional, trustworthy and accountable.
 - 4.3 To be strong advocates representing the region's interests.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 11.4

That Council authorises the engagement of Mr Edward Watling through Kirkgate Consulting to undertake a review Exmouth Visitors Centre in association with the relocation of this operation to Ningaloo Centre, Exmouth.

12 CORPORATE SERVICES

12.1 FINANCIAL STATEMENT FOR PERIOD ENDING 31 MARCH 2017

| | |
|-------------------------|---|
| File Reference: | FM.FL.0 |
| Responsible Officer: | Executive Manager Corporate Services |
| Date of Report: | 20 April 2017 |
| Applicant/Proponent: | Nil |
| Disclosure of Interest: | Nil |
| Attachment(s): | 1. Financial Report as at 31 March 2017 |

PURPOSE

That Council accept the financial report for the financial period ending 31 March 2017.

BACKGROUND

The provisions of the *Local Government Act 1995* and associated Regulations require a monthly financial report is presented to the Council. The financial report for the period ended 31 March 2017 has been prepared and a copy of the Report is attached.

The following table displays the Council's year to date position to 31 March 2017 including the projected closing position for 2016/17 financial year. The 2016/17 Budget estimated to deliver a budget with a small surplus of \$1,515, however the current projected forecast closing position to 30 June 2017 is estimated a deficit of (\$56,065).

| 2016/17 | Year to Date Actual | Year to Date Budget | Amended Budget | On Target with YTD Budget | Forecast to 30/6/17 | Forecast Impact on Surplus |
|---------------------------|---------------------|---------------------|----------------|---------------------------|---------------------|----------------------------|
| | \$ | \$ | \$ | % | \$ | |
| Operating Revenue | 9,834,099 | 10,133,875 | 11,927,194 | 95.6% | 11,517,350 | ▼ |
| Operating Expenditure | (10,837,201) | (11,674,506) | (15,865,496) | 92.8% | (15,436,969) | ▲ |
| Non Operating Revenue | 16,481,621 | 23,448,526 | 27,937,455 | 115.6% | 25,448,490 | ▼ |
| Non Operating Expenditure | (16,727,630) | (20,343,459) | (28,398,920) | 78.6% | (26,167,852) | ▲ |
| Non cash Items Included | 3,362,604 | 2,945,218 | 4,286,478 | 46.7% | 4,457,371 | |
| Surplus C/Fwd June 2016 | 125,545 | 129,804 | 129,804 | 96.7% | 125,545 | ▼ |
| Surplus/(Deficit) | 2,239,037 | 4,639,458 | 16,515 | 48.3% | (56,065) | ▼ |

Monitoring of the financial statements will occur each month until the end of the financial year and the forecast result may change each month as future expenditure and revenue expectations are refined and additional information is received.

COMMENT

Statement of Financial Position

Total Current Assets have increase by 5.2% from February to March 2017. Whilst Unrestricted Cash at Bank reduced by (142%), there was a significant rise in Sundry Debtors by 238% which is primarily due to an invoice raised for grant funds of \$1.45m. Current Liabilities have increased by 7.9% from February to March 2017 due to the timing of Creditors invoices being entered. Non-Current Assets have also increased slightly by 2.1% which is attributable to the construction of the Ningaloo Centre. Non-Current Liabilities remain unchanged from February 2017.

| | 31/03/2017 | 28/02/2017 | % Change |
|--------------------|-------------|-------------|----------|
| Current | \$ | \$ | |
| Assets | 9,857,623 | 9,372,329 | 5.2% |
| Liabilities | (1,600,416) | (1,483,106) | 7.9% |
| Non Current | | | |
| Assets | 103,683,378 | 101,502,705 | 2.1% |
| Liabilities | (1,288,504) | (1,288,504) | 0.0% |
| NET ASSETS | 110,652,081 | 108,103,424 | |

Capital Expenditure

The Council's 2016/17 Capital Expenditure budget is \$26,640,231, the majority of which is associated with the construction and fitout of the Ningaloo Centre and other infrastructure improvements. The following table shows that Council is overall 83% on target with capital expenditure year to date.

| Asset Class | Year to Date Actual | Year to Date Budget | On Target with YTD Budget | Annual Budget |
|-----------------------|---------------------|---------------------|---------------------------|-------------------|
| | \$ | \$ | % | \$ |
| Land & Buildings | 15,348,715 | 15,992,158 | 96% | 21,749,654 |
| Furniture & Equipment | 14,625 | 306,000 | 5% | 371,000 |
| Land Held for Resale | 430,000 | 430,000 | 100% | 430,000 |
| Plant & Equipment | 23,619 | 867,500 | 3% | 1,026,200 |
| Infrastructure Roads | 226,948 | 1,700,514 | 13% | 2,267,441 |
| Infrastructure Other | 246,723 | 389,000 | 63% | 795,936 |
| TOTAL | 16,290,629 | 19,685,172 | 83% | 26,640,231 |

Debtors Schedule

The following table shows Sundry Debtors which have been outstanding over 30, 60 and 90 days at the end of March 2017.

| Sundry Debtors | 31/03/2017 | 28/02/2017 | Change | % of Current Total |
|----------------|------------------|----------------|--------|--------------------|
| | \$ | \$ | % | % |
| Current | 1,736,260 | 379,579 | 357% | 91% |
| > 30 Days | 37,686 | 33,334 | 13% | 2% |
| > 60 Days | 5,250 | 28,184 | -81% | 0% |
| > 90 Days | 134,064 | 125,342 | 7% | 7% |
| Total | 1,913,260 | 566,439 | | 100% |

Rates Schedule

The balance of outstanding rates continue to decrease as debt recovery procedures are being implemented. For those properties that elected to pay by instalments, the final payment was due on 16 March 2017, which increased the amount of rates collected to date to 91.3%.

| Rates and Charges | 31/03/2017 | 28/02/2017 | Change |
|--------------------------------|----------------|----------------|--------|
| | \$ | \$ | % |
| Rates & Charges | 429,778 | 609,960 | -30% |
| Less Deferred Pensioners | (37,719) | (37,719) | 0% |
| Total Rates Collectable | 392,059 | 572,241 | |

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

In accordance with Regulation 34 (5), a report must be compiled on variances greater than the materiality threshold adopted by Council of \$10,000 or 10% whichever is the greater. As this report is composed at a program level, variance commentary considers the most significant items that comprise the variance and is included in the Financial Report.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

- Civic Leadership: 4 To work together as custodians of now and the future.
4.2 A local government that is respected, professional, trustworthy and accountable.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 12.1**

That Council resolves to receive the Financial Report for the financial period ending 31 March 2017.

12.2 LIST OF ACCOUNTS FOR PERIOD ENDING 31 MARCH 2017

| | |
|-------------------------|--|
| File Reference: | FM.FI.0 |
| Responsible Officer: | Executive Manager Corporate Services |
| Date of Report: | 20 April 2017 |
| Applicant/Proponent: | Nil |
| Disclosure of Interest: | Nil |
| Attachment(s): | 1. List of Accounts for period ending 31 March 2017. |

PURPOSE

To advise Council of payments made since the previous Ordinary Council Meeting.

BACKGROUND

It has been a customary practice that whilst being a leader in the community, we meet our terms of credit as established between suppliers and aspire to obtain discounts where practicable. Payments have been approved by authorised officers in accordance with agreed delegations and policy frameworks.

COMMENT

Council has given delegated authority that allows the Chief Executive Officer to approve payments from Council's bank accounts either via cheque or through electronic lodgement.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Payments are to be made in accordance with Part 6, Division 4 of the *Local Government Act 1995* and as per the *Local Government (Financial Management) Regulations 1996*. Payments are to be made through the municipal fund, trust fund or reserve funds. Payments are to be in accordance with approved systems as authorised by the Chief Executive Officer.

POLICY IMPLICATIONS

Staff are required to ensure that they comply under Council Policy 2.10 – Purchasing Policy and 2.17 - Regional Price Preference Policy (where applicable) and that budget provision is available for any expenditure commitments.

FINANCIAL IMPLICATIONS

Payments are made under delegated authority and are within defined and approved budgets. Payment is made within agreed trade terms and in a timely manner.

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

- Civic Leadership: 4 To work together as custodians of now and the future.
 4.2 *A local government that is respected, professional, trustworthy and accountable*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.2

That Council pursuant to Sections 6.7 and 6.9 of the *Local Government Act 1995* resolves to accept payments being made up of:

1. Municipal Fund – March 2017 \$3,468,289.33 incorporating of cheques 13405 - 13417 and direct debits; and
2. Trust Fund – March 2017 \$3,525.35 incorporating direct debits

with Outstanding Creditors as at March 2017 being \$256,906.34.

12.3 ENGAGEMENT OF OCEANIS INTERNATIONAL PTY LTD

| | |
|-------------------------|--------------------------------------|
| File Reference: | CM.PR.0 |
| Responsible Officer: | Executive Manager Corporate Services |
| Date of Report: | 20 April 2017 |
| Applicant/Proponent: | Nil |
| Disclosure of Interest: | Nil |
| Attachment(s): | Nil |

PURPOSE

That Council approve to expend funds not included in the annual budget to engage consultant, Oceanis International Pty Ltd outside the quoting requirements of Council Purchasing Policy 2.10.

BACKGROUND

Following the Corruption and Crime Commission investigation, and the subsequent termination of the Chief Executive Officer and the Strategic Projects Officer, an independent assessment of the Aquarium located within the Ningaloo Centre was requested from the primary funding body, Department of Regional Development.

As this contract was procured outside the framework of Council Purchasing Policy and tender requirements in accordance with the *Local Government Act 1995*, an assessment is to ascertain whether Council received 'value for money' for work paid to date as well as the remainder of the project.

Oceanis International were selected to undertake this assessment as they have over 20 years' experience in 'creating with water' for leisure, entertainment, science and culture around the world.

Their primary services include:

- Project Management.
- Master Planning.
- Concept and detailed Design.
- Construction Management.
- Operations Management.

COMMENT

In addition to providing the 'value for money' assessment, the scope of works prepared has now been expanded to include additional works in exploring opportunities to ensure the future sustainability of the Ningaloo Centre, and as such, these costs may exceed Council's Purchasing Policy 2.10 for the number of quotes required. As this procurement is in a tender exempt environment, this procurement falls under Council Purchasing Policy thresholds.

As Oceanis International are already engaged to assess work completed to date, in a practical sense, it would seem reasonable for them to continue working on this project. Officers are more than confident with the company's experience and capability, and that Council will receive value for money.

CONSULTATION

Oceanis International

STATUTORY ENVIRONMENT

Section 3.57 Local Government Act 1995

POLICY IMPLICATIONS

Council Purchasing Policy 2.10

FINANCIAL IMPLICATIONS

As this is unbudgeted expenditure, it is expected savings will be identified throughout the organisation to offset this expense.

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

Civic Leadership: 4 To work together as custodians of now and the future.
 4.2 *A local government that is respected, professional, trustworthy and accountable*

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.3

That Council engage Oceanis International outside the quoting requirements of Council's Purchasing Policy 2.10.

13 COMMUNITY ENGAGEMENT

13.1 NINGALOO WHALESHARK FESTIVAL – FEE WAIVERS AND IN KIND ASSISTANCE

| | |
|-------------------------|---|
| File Reference: | CR.SP.0 |
| Responsible Officer: | Acting Executive Manager Community Engagement |
| Date of Report: | 18 April 2017 |
| Applicant/Proponent: | Ningaloo Whaleshark Festival Inc. |
| Disclosure of Interest: | NWSF Committee member |
| Attachment(s): | Nil |

PURPOSE

That Council supports the Ningaloo Whaleshark Festival Committee with the festival which will be held from 26 May to 28 May 2017. The request from the Committee for Shire support includes fee-waivers and in-kind assistance.

BACKGROUND

The Ningaloo Whaleshark Festival is held every year in the last week of May and is one of the biggest happenings on Exmouth annual events calendar. The festival has been very successful over many years, attracting visitor and participants from Exmouth but also many tourists who join the festivities. The Committee has requested Council support and the use of Council facilities for this year's event.

COMMENT

Over the years, the Shire has supported the festival in various ways, including staff assistance, additional programming and activities, materials and waiver of fees and charges. The Shire also has a staff member on the organising Committee to streamline shire support and input.

Council Officers consider that this event will continue to have positive impact on the local business community by attracting visitors to Exmouth. In addition, the festival provides a stage for local talent, both old and young, to showcase their skills.

In consideration of the above it is recommended that the Council support the request from the Committee for assistance and provides a full fee waiver as part of its sponsorship to the 2017 Ningaloo Whaleshark Festival. An overview of the value of this request is included under the heading 'Financial Implications'.

In accordance with Council Policy 4.3 - Sponsorships, Donations and Waiver of Fees, any waiver of Councils adopted Fees & Charges for an event is considered a 'Non-cash Contribution' to that event. The Policy also provides that "An Exmouth Event Sponsorship may be provided in cash, non-cash or a combination of these to the maximum combined value per financial year of \$1,500 per organisation."

"Any Sponsorship proposals over \$1,500 may be determined by Council. The actual Event Sponsorship contribution will be determined on a case-by-case basis."

The requested fee waiver and in kind support amounts to \$6,670.75 and therefore requires approval by Council.

In return for its support, Council request that this financial support be recognised and the Council be acknowledged as a major sponsor of the event.

As the program for the Ningaloo Whaleshark Festival is still being developed and finalised, it is possible that some unforeseen requests for support may be received by the Shire. It is therefore recommended to authorise the Acting Chief Executive Officer to use their discretion to determine support for such request.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Council Policy 4.3 - Sponsorships, Donations and Waiver of Fees

FINANCIAL IMPLICATIONS

If the Council grant approval for the support as recommended, the following (estimated) amounts will be recorded as a non-cash contribution to the Whaleshark Festival Committee. The shire contribution would equate to the following:

| Requested support | Fees \$ | Permit fee \$ | Staff Cost \$ | Total \$ |
|---|--------------------|--------------------------|--------------------------|---------------------|
| Use Rec Centre (3x days @ \$42 per day) | 126.00 | | | |
| Use Talanjee Oval (2 x days @ \$135.00) | 270.00 | | | |
| Oval Lights (2 x hrs @ \$25.50 per hr) | 51.00 | | | |
| Use Shire Hall (8 x days@ \$42 per day) | 336.00 | | | |
| Activity on Town beach application | | 17.00 | | |
| Activity on Town beach permit | | 26.50 | | |
| Extra bins whole festival | 260.00 | | | |
| Staff assistance Talanjee Oval | | | 2,658.00 | |
| Use of Mobile Toilets | 330.00 | | 578.00 | |
| Road closure; traffic management | | | 330.00 | |
| Marking/managing sprinklers Oval | | | 495.00 | |
| Extra clean Public Toilets | | | 1,139.25 | |
| Advertising on Community notice board | 54.00 | | | |
| | 1,427.00 | 43.50 | 5,200.25 | 6,670.75 |

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

- Economic: 1 To be a diverse and innovative economy with a range of local employment opportunities.
 1.3 *Diverse tourism opportunities.*
- Environment: 2 To have a balanced respect for our environment and heritage, both natural and built.
 2.3 *To have a town and community that takes pride in its world heritage status.*
 2.5 *To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.*
- Social: 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
 3.2 *Excellent lifestyle, recreational and cultural facilities.*
 3.3 *An inclusive, responsible and cohesive community.*
 3.4 *A community that is well informed and educated about our natural, cultural and built environment.*
 3.5 *Maintain and increase participation levels in local community organisations and clubs.*

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 13.1

That Council:

1. Grants the Ningaloo Whaleshark Festival Inc. in-kind support to the value of \$6,670.75.
2. Authorises the Acting Chief Executive Officer of the Shire of Exmouth to make a decision on any unforeseen requests for additional support by the Shire for the festival.
3. Advise the Ningaloo Whaleshark Festival Inc. that support for the Ningaloo Whaleshark Festival is subject to the Shire of Exmouth being acknowledged as a sponsor for the event.

14 HEALTH & BUILDING SERVICES

14.1 GASCOYNE REGION'S WASTE AND RECYCLING INFRASTRUCTURE PROJECT

| | |
|-------------------------|---|
| File Reference: | GS.WR.1 |
| Responsible Officer: | Acting Executive Manager Health & Building Services |
| Date of Report: | 12 April 2017 |
| Applicant/Proponent: | Nil |
| Disclosure of Interest: | Nil |
| Attachment(s): | <ol style="list-style-type: none">1. Department of Regional Development and Lands – Confirmation of Country Local Government Fund 2011-12 Allocation2. Financial Assistance Agreement3. Department of Regional Development – Financial Assistance Agreement Variation4. CLGF Grant – Recycling Project Financial Statement |

PURPOSE

That Council endorse the withdrawal of the Shire of Exmouth from the Gascoyne Region's Waste and Recycling Infrastructure project (the Project) and the relinquishment of unspent funds received from the 2011-12 Country Local Government Fund.

BACKGROUND

The Shire of Carnarvon, Exmouth and Shark Bay received funds through the Country Local Government Fund in July 2011 and have worked together as the Gascoyne Regional Collaborative Group on the Waste and Recycling Infrastructure for the Gascoyne Region Project (refer Attachment 1). The aim of the project was to preserve the capacity of existing landfill sites within the region through the diversion of waste from landfill.

In January 2012 Cardno prepared the report Waste Management Infrastructure Cost Benefit Analysis which was received by Council Decision 14-0212-10.5.2:

Moved Councillor Thompson, Seconded Councillor Winzer.

That the Council of the Shire of Exmouth:-

- 1. Receive the draft report "Waste Management Infrastructure Cost Benefit Analysis (January 2012)" prepared by Cardno for the Gascoyne Region; and***
- 2. Authorise the Executive Manager of Health and Building & Executive Manager of Engineering Services to provide comment and/or recommendations on the Council's behalf to the Gascoyne Waste Advisory Group in relation to the above report.***

CARRIED 6/0

On the 17 April 2015 a Financial Assistance Agreement (FAA) between the Department of Regional Development and Shire of Carnarvon on behalf of the Gascoyne Group was signed by the Chief Executive Officers for the Shire of Exmouth, Carnarvon and Shark Bay (refer Attachment 2).

In October 2015, the Group placed a request for quotation for the Project Management of the project using funding received from the Waste Authority, Regional Funding Program Funding Agreement and ASK Waste Management were the successful bidder. ASK Waste Management developed the Waste Data and Estimated Cash Flows report, this report evaluated the projects current status as it had been 3 years since the previous report had been compiled and practices and markets may have changed. From that revaluation a variation on where the funding was to be spent and the amounts were drawn up and submitted to Department of Regional Development and approved on the 26 August 2016 (refer Attachment 3). ASK Waste Management also conducted fortnightly meetings, managed timeframes and were tasked with developing a waste education program to be initiated when the project was in its final stages.

From the above the Shire of Exmouth designated the use of the funding to develop a Bring Centre at old Horizon Power site on Huston Street and a processing shed at the Qualing Scarp Waste Management Facility, with supporting equipment.

COMMENT

The Shire of Exmouth is currently not in a position financially to commit to ongoing operational costs of another large capital works project. The Integrated Strategic Plan (ISP) process is about to commence, the development of the ISP is a highly consultative process and a clear direction from the community will be received. Once this direction has been received, projects will be assessed against the ISP and those meeting the plans criteria will be adopted.

Therefore it is considered sensible and good governance to withdraw from the Regional project at this time. The withdrawal from the Shire of Exmouth will mean we will be in default of the Financial Assistance Agreement signed between the Department of Regional Development and Shire of Carnarvon on behalf of the Gascoyne Group. This will result in the Shire of Carnarvon and Shark Bay continuing on with the project and the Shire of Exmouth returning funds received to Department of Regional Development.

CONSULTATION

Shire of Carnarvon
Shire of Shark Bay
ASK Waste Management

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

In 2011 the Shire received \$399,570 and in August 2016 \$43,430, to date \$55,675 has been spent of these funds (refer Attachment 4). Therefore the balance of funds will be returned to Department of Regional Development.

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016 - 2020.

- Economic: 1 To be a diverse and innovative economy with a range of local employment opportunities.
 1.2 *Planned and balanced economic growth.*
- Social: 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
 3.7 *Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.*
- Civic Leadership: 4 To work together as custodians of now and the future.
 4.1 *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*
 4.2 *A local government that is respected, professional, trustworthy and accountable.*
 4.3 *To be strong advocates representing the region's interests.*

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 14.1

That Council endorse the withdrawal of the Shire of Exmouth from the Gascoyne Region's Waste and Recycling Infrastructure project and the relinquishment of unspent funds received by the 2011-12 Country Local Government Fund.

14.2 TEMPORARY ACCOMMODATION – LOT 125 YOUNG STREET EXMOUTH

| | |
|-------------------------|---|
| File Reference: | LE.RE.5 |
| Responsible Officer: | Acting Executive Manager Health & Building Services |
| Date of Report: | 19 April 2017 |
| Applicant/Proponent: | Alan and Joyce Duncan |
| Disclosure of Interest: | Nil |
| Attachment(s): | Nil |

PURPOSE

The owners of Lot 125 Young Street are requesting permission to have temporary accommodation on their property for a period of 12 months, whilst their dwelling is being constructed as per Council Policy 5.5 – Temporary Accommodation – Caravans.

BACKGROUND

As per Policy 5.5 – Temporary Accommodation – *Caravans and the Caravan Parks and Camping Grounds Regulations 1997, Part 2, Regulation 11 (2) (c)* a property owner can seek approval from Council to stay in a caravan while their house is been constructed.

On Lot 125 Young Street there is currently a shed and dwelling built to lock up. On the 27 October 2006 a wastewater system was approved, this system services the toilet and shower located within the shed.

COMMENT

As per their covering letter, the owners are requesting to stay in their caravan and utilise the ablutions and kitchen sink located within the shed while the internal fitout of the dwelling occurs.

The time period requested is 12 months, Council policy states an interim time period of six or nine months with option for possible extension be granted by the Executive Manager of Health and Building or Chief Executive Officer subject to satisfactory progress being made on the permanent dwelling. Council staff recommend an interim period of nine months is approved as per the policy.

A current building permit and program of works is yet to be issued for the property at the date of the report. It is Council staff recommendation the approval is given subject to a building permit being issued and Programme of Works.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Caravan Parks and Camping Grounds Regulations 1997, Part 2 Regulation 11(2)(c)

POLICY IMPLICATIONS

Council Policy 5.5 – Temporary Accommodation – Caravans

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016 - 2020.

- Environment: 2 To have a balanced respect for our environment and heritage, both natural and built.
 2.5 *To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.*
- Social: 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
 3.8 *There is a diverse range of residential land options available.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 14.2**

Council approve the owners of Lot 125 Young Street to have temporary accommodation on their property for a period of 9 months, whilst their dwelling is being constructed as per Policy 5.5 – Temporary Accommodation – Caravans with the following conditions:

1. Submission and approval of a building permit for the works; and
2. Submission of a program of works.

15 TOWN PLANNING SERVICES

15.1 HOLIDAY ACCOMMODATION – LOT 29 (17) LEARMONTH STREET, EXMOUTH

| | |
|-------------------------|--|
| File Reference: | A876; PA28/17 |
| Responsible Officer: | Acting Executive Manager Town Planning Services |
| Date of Report: | 21 April 2017 |
| Applicant/Proponent: | Exmouth Cape Real Estate |
| Disclosure of Interest: | Nil |
| Attachment(s): | <ol style="list-style-type: none">1. Emergency Response Plan, Floor Plan, Parking Plan, Management Statement and Tenant Code of Conduct2. Officer's Parking Assessment3. Submission from Neighbour |

PURPOSE

That Council consider granting conditional development approval for a proposed Holiday Accommodation at Lot 29 (17) Learmonth Street, Exmouth (refer Attachment 1).

BACKGROUND

The subject lot has an ex US Navy house and the applicant wishes to apply for a change of use to Holiday Accommodation. The lot is approximately 875m² in area and zoned Residential R17.5 in *Town Planning Scheme No. 3*. There are no current development approvals for the subject lot. The aerial image below identifies Lot 29 (17) Learmonth Street where the proponent seeks development approval for Holiday Accommodation use.

Location Plan - Lot 29 (17) Learmonth Street, Exmouth



COMMENT

The proposal has been assessed against *Town Planning Scheme No. 3* (Scheme), Policy No. 6.12 - Holiday Accommodation and the *Planning and Development (Local Planning Schemes) Regulations 2015*. Table 1 of the Scheme defines Holiday Accommodation as an 'SA' use in the Residential zone meaning the use is not permitted unless Council has granted development (planning) approval after consultation with affected neighbours.

Relevant Policy No. 6.12 objectives:

- *Support a diverse accommodation base within the Shire;*
- *Provide an effective management framework and guide for the provision of holiday accommodation (other than within the Tourist zone) within the Shire;*
- *Ensure that a holiday accommodation establishment is maintained to a satisfactory standard and that its use is lawfully conducted;*
- *Ensure that all holiday accommodation accords with Town Planning Scheme No. 3 by undertaking community consultation with adjoining property owners and a formal decision being made by the Council where required;*
- *Ensure holiday accommodation does not compromise the amenity of the residential neighbourhood through appropriate planning approval conditions;*

This application generally accords with Policy 6.12, however, there are a number of areas where the application needs to be modified, as discussed below.

Number of Occupants

The number of allowable occupants is restricted by the ventilation requirements under the *Health Act 1911*, which defines the following:

- a. *For every person over the age of 10 years, there is to be a minimum of 14 cubic metres of air space per person*
- b. *For every person between the ages of 1 & 10 years, there is to be a minimum of 8 cubic metres of air space per person.*

Officers have calculated the permissible number of occupants per bedroom:

Schedule 1: Allowable Occupants: Lot 29 (17) Learmonth Street, Exmouth

Bedroom 1: Total floor space: 14.13m², Approximate Air Space: 34.90m³
Allowable occupants: 2 adults OR 1 adult and 2 children OR 4 children

Bedroom 2: Total floor space: 11.53m², Approximate Air Space: 28.48m³
Allowable occupants: 2 adults OR 1 adult and 1 child OR 3 children

Bedroom 3: Total floor space: 7.75m², Approximate Air Space: 19.14m³
Allowable occupants: 1 adult OR 2 children

*Note: All persons over the age of 10 years require a minimum of 14 cubic metres of air space per person. Children aged up to 10 years require a minimum of 8 cubic metres of air space each. As such, the term 'adult' has been used for persons over the age of 10 years.

**The air space is calculated with an average ceiling height of 2.47m.

Occupancy Levels

As per the assessment above, the maximum number of overnight occupants allowed within the dwelling at the same time shall be eight (8) persons. Furthermore, the maximum occupancy for each room shall be in accordance with the Shire of Exmouth Health Local Laws and Council Policy. Potential occupants shall be advised of this prior to booking.

Number of Vehicles

Policy No. 6.12 states that car parking shall be calculated on the basis of four persons per vehicle. Therefore, a minimum of two (2) vehicle parking spaces need to be provided for the maximum occupation of eight (8) people within the Holiday Accommodation. Furthermore, the maximum permissible number of vehicles permitted at the property under Policy No. 6.12 is three (3) vehicles and two (2) trailers, which includes trailers with a boat. The Officers assessment concludes that the maximum of five (5) parking spaces are available within the property boundaries in accordance with the minimum dimensions prescribed by the Scheme (refer Attachment 2). Therefore, the proposal can comply with the minimum and maximum parking requirements.

Management Plan and Code of Conduct

The applicant has submitted a copy of the proposed Management Statement, Tenant Code of Conduct and an Emergency Response Plan as per the requirements of Policy No. 6.12. The documentation is considered sufficient to achieve the desired management framework. A condition is recommended to ensure the occupancy numbers are written clearly to reflect the relevant Scheme provisions and approval by Council.

Having regard to the above, it is recommended that development approval is granted for Holiday Accommodation at Lot 29 (17) Learmonth Street, Exmouth subject to conditions which achieve compliance with Council's planning framework.

CONSULTATION

In accordance with the requirements of the Scheme adjoining impacted neighbours were invited to comment on the proposal from Thursday 9 March 2017 until Thursday 23 March 2017, for a period of 14 days. A summary is tabled below:

| Property Referred | Submitters Response | Officer Comments |
|-----------------------------|--|--|
| Lot 13 (13) Learmonth St | Nil | Nil |
| Lot 30 (15) Learmonth St | <p>Object. I am writing to advise that we strongly object to the proposed holiday accommodation at Lot 29 (17) Learmonth Street, Exmouth.</p> <p>We reside and own 15 Learmonth Street, Exmouth and currently have a short stay holiday accommodation next door at 13 Learmonth Street; and two more located one house away at 9 Learmonth, and 7 Learmonth Street.</p> <p>As noted in the Exmouth Cape Holiday Homes Tenant Code of Conduct the addition of up to 8 guests to 17 Learmonth will generate more noise than currently experienced, thus causing a significant loss of amenity. Also, due to the existing short term holiday accommodation the permanent residence of this section are currently impacted by additional traffic, parking problems and trying to manoeuvre vehicles in and out of driveways, adding another property of this nature to the area will only add to the problem and have an adverse effect.</p> <p>Overall, we feel that the above proposal is not in the best interest of the permanent residents of Learmonth Street, and we strongly urge you to consider this decision.</p> | <p>Noted. Please note that there is currently only two approved Holiday Accommodation properties in Learmonth Street being No. 5 and No. 13 Learmonth Street.</p> <p>All properties are required to comply with the maximum noise levels prescribed by the <i>Environmental Protection (Noise) Regulations 1997</i> despite their land use.</p> <p>The Officer's Recommendation is considered to address issues concerning the number of allowable occupants, noise and parking issues through prescribing maximum vehicle numbers. The Officer's assessment shows that there is sufficient space within the property to accommodate the vehicles and associated manoeuvring in accordance with <i>Town Planning Scheme No. 3</i>. (Refer Attachment 2).</p> |
| Lot 24 (10) Learmonth St | Do not object. Make money. | Noted |
| Lot 25 (12) Learmonth St | Nil | Nil |
| Lot 26 (14) Learmonth St | Nil | Nil |
| Lot 27 (16) Learmonth St | Nil | Nil |
| Lot 48 (30) Fyfe St | Nil | Nil |
| Lot 49 (32) Fyfe St | Nil | Nil |
| Lot 50 (21) Learmonth St | Nil | Nil |
| Lot 1 (19A) Learmonth St | Object. Parking (boat) at front of house accessed through truncated gateway entry or exit is across neighbours d/way and my verge & possibly over my garden sprinklers. | Noted. The Officer's Recommendation is considered to address this issue through the standard advice notes and conditions for holiday accommodation approvals. |
| Lot 2 (19B) Learmonth St | <p>Object. The outline of the buildings of 17 Learmonth Street an area marked, and hi-lighted in green, for "Parking (Boat)". This plan does not show the fence gates (I have marked them in red, not to scale) which open to my driveway.</p> <p>When open, the gate obstructs more than half of my driveway, approximately 245cm, causing a nuisance and hazard to myself and visitors. I am</p> | Noted. The officer shall condition that access and egress to the property Lot 29 (17) Learmonth Street shall not occur through any of the adjoining properties' boundaries or driveways. |

| | | |
|--|--|--|
| | <p>concerned that frequent use by heavier vehicles will cause damage to my private driveway. The gate cannot be used by large vehicles without them encroaching onto my private driveway. No-one has ever sought permission from me to have this access.</p> <p>The driveway is used all day and in the evenings by myself and others. I use it for my electric buggy and my Daughter and Son-in-Law park there (see attached photos) as do other visitors/workmen. The driveway is also used by me with my stroller and sometimes my walking stick. The back drive under shade cloth gets used for caravan and car storage.</p> <p>Whilst not welcoming the extra noise from the property being a holiday let I could possibly tolerate this if the gates remained padlocked at all times and no access/exit over my property is permitted. (Refer to Attachment 3)</p> | |
|--|--|--|

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No. 3

POLICY IMPLICATIONS

Council Policy No. 6.12 - Holiday Accommodation

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

- Economic:
- 1 To be a diverse and innovative economy with a range of local employment opportunities.
 - 1.2 *Planned and balanced economic growth.*
 - 1.3 *Diverse tourism opportunities.*
- Civic Leadership:
- 4 To work together as custodians of now and the future.
 - 4.1 *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*
 - 4.2 *A local government that is respected, professional, trustworthy and accountable.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION**ITEM 15.1**

That Council grant development approval for Holiday Accommodation at Lot 29 (17) Learmonth Street, Exmouth subject to the following conditions:

1. The use being carried out in accordance with the stamped approved plans (PA28/17), the Shire of Exmouth *Town Planning Scheme No. 3* and Policy No. 6.12 - Holiday Accommodation together with any annotations detailed thereon by the Shire;
2. The maximum number of overnight occupants allowed within the dwelling shall be eight (8 persons), with the maximum number of persons per bedroom being in accordance with the schedule below. This Schedule shall be displayed in a prominent location in the dwelling at all times:

Schedule 1: Allowable Occupants: Lot 29 (17) Learmonth Street, Exmouth

Bedroom 1: Total floor space: 14.13m², Approximate Air Space: 34.90m³
Allowable occupants: 2 adults OR 1 adult and 2 children OR 4 children

Bedroom 2: Total floor space: 11.53m², Approximate Air Space: 28.48m³
Allowable occupants: 2 adults OR 1 adult and 1 child OR 3 children

Bedroom 3: Total floor space: 7.75m², Approximate Air Space: 19.14m³
Allowable occupants: 1 adult OR 2 children

*Note: All persons over the age of 10 years require a minimum of 14 cubic metres of air space per person. Children aged up to 10 years require a minimum of 8 cubic metres of air space each. As such, the term 'adult' has been used for persons over the age of 10 years.

**The air space is calculated with an average ceiling height of 2.47m.

3. The maximum number permitted for the parking of vehicles is three (3) and for trailers is two (2), which includes trailers with or without a boat, and parking shall be fully contained within the property boundaries;
4. Access and egress to and from the property shall not occur through any adjoining properties which includes driveways and the opening of gates into adjoining properties;
5. The property shall provide at least two (2) 240 litre rubbish bins prior to the use commencing;
6. The Management Statement and Emergency Response Plan shall be complied with and clearly displayed within the premises at all times;
7. The Emergency Response Plan shall be clearly displayed within the premises and complied with at all times, plus:
 - a fire extinguisher shall be provided in a clearly visible location marked on the emergency response plan and maintained in proper working order; and
 - no fires are to be lit outside with the exception of a gas or electric barbeque;
8. The property shall be managed by a local caretaker/manager living and readily contactable within ten (10) minutes of the property;

9. The property not being used for the use hereby granted until an inspection has been carried out by a Shire Officer and that Officer is satisfied that the conditions of this approval hereby granted have been complied with; and
10. This approval is valid until 30 September 2017. Following its expiry an annual permit is required. The Shire will notify owners about the date of expiry and that a new permit is required should the property continue to be used for Holiday Accommodation. Should three (3) or more substantiated complaints be received in regard to the Holiday Accommodation, Council may resolve to refuse renewal.

Advice

- i. The approval granted is not to be construed as approval granted under the *Building Act 2011*, *Building Regulations 2012* or any other statutory approval required.
- ii. Complaints received due to the activity resulting in an increase in traffic, noise emission and disturbance to or loss of the amenity may be considered as a basis for non-renewal in accordance with Council's Policy No. 6.12 - Holiday Accommodation.
- iii. This approval does not permit the road verge or adjoining/nearby vacant land to be used for the parking of vehicles and trailers. Occupants shall be advised of this prior to booking.
- iv. The noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.
- v. In accordance with the *Health Act 1911* and Shire Local Laws the number of persons per room shall accord with the following:
 - For every person over the age of 10 years, there is to be a minimum of 14 cubic metres of air space per person; and
 - For every person between the ages of 1 & 10 years, there is to be a minimum of 8 cubic metres of air space per person.
- vi. The *Health (Aquatic Facilities) Regulations 2007* require that a Certificate of Compliance and a Permit to Operate from the Executive Director, Public Health (EDPH) for the 'aquatic facility' be obtained i.e. the Department of Health (WA) is the approving authority, not the Shire of Exmouth.
- vii. The Department of Health have developed a guidance note for pools and spas in holiday homes, which can be accessed at http://ww2.health.wa.gov.au/Articles/A_E/Aquatic-facilities-at-short-stay-accomodations. Prior to use of the pool or spa a copy of a Permit to Operate or exemption from the Department of Health will need to be provided to the Shire of Exmouth. For further information please contact the Department of Health, Water Unit on 9388 4999.
- viii. Any additional development or substantial variation from the stamped approved plans, may require separate development approval from the Shire of Exmouth. The Shire's Town Planning Department can be contacted by telephone via 9949 3000.
- ix. This approval is not an authority to ignore any constraint or additional requirement to development on the land, which may exist through contract or on title, such as an easement, encumbrance, restrictive covenant or any other limitation. It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development.

- x. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

15.2 AFFIXING OF COMMON SEAL ON DEED FOR COMPULSORY ACQUISITION OF LOT 500 ON DEPOSITED PLAN 69582

| | |
|-------------------------|---|
| File Reference: | UCL LOT 500 DEPOSITED PLAN 69582 |
| Responsible Officer: | Acting Executive Manager Town Planning Services |
| Date of Report: | 13 April 2017 |
| Applicant/Proponent: | Nil |
| Disclosure of Interest: | Nil |
| Attachment(s): | <ol style="list-style-type: none">1. Existing Go Kart Track Site2. Lot 500 on Deposited Plan 69582 |

PURPOSE

That Council consider signing a deed for the compulsory acquisition of native title rights and interests and grant of interest(s) in land being Lot 500 on Deposited Plan 69582.

BACKGROUND

The Exmouth Go Kart Track (Track) and Exmouth Go Kart Club (Club) is currently located at Lot 9510 on Deposited Plan 55557 being 'Superlot D' of the Exmouth Marina Village Estate (refer Attachment 1). Lot 9510 is owned by Landcorp who have required the Track to be relocated to enable either the development and/or sale of the lot. Therefore, the Club approached the Shire of Exmouth to assist them in finding land to relocate the Track to and with the associated land administration and native title processes.

During October 2010 the Department of Lands supported the creation of Lot 500 on Deposited Plan 69582 (refer Attachment 2) and its vestment to the Shire of Exmouth for relocation of the Track. The support is subject to completion of the 'Future Acts' native title process. The negotiations and agreement have taken place and the execution of the subject deed is required to complete the native title process.

COMMENT

Pursuant to the *Land Administration Act 1997*, in order to vest Lot 500 on Deposited Plan 69582 to the Shire of Exmouth the Lot needs to be dedicated as Crown Reserve for a public purpose. The Department of Lands have advised support for dedication of the Lot as a Crown Reserve for the purpose of 'Recreation and Motor Sport Kart Racing'. Vestment occurs subsequently through the issue of a Management Order to the Shire making the Shire responsible for the management of the land for the purpose of the Crown Reserve. The Department has also advised support for the power to lease up to 21 years however prior consent is required from the Minister for Lands. This will allow a lease to be granted to the Club for the purpose of establishing the new Track.

In order for the above to occur the 'Future Act' process under the *Native Title Act 1993 (Cth)* is required to be carried out for the compulsory acquisition of native title rights and interests, which was a stipulation of the Department's support. The Future Act process involves notice of intention to take the land, negotiations and agreement on the compensation for the compulsory acquisition from the grantee, being the Club. These processes have occurred and the execution of the subject

deed is required to finalise the compulsory acquisition and vestment to the Shire of Exmouth. Therefore, it is recommended that Council agrees to sign the deed. Pursuant to Council's Policy No. 2.3 – Common Seal this will result in the affixing of the Shire of Exmouth Common Seal.

In addition, given that the Department of Lands has already expressed support for the Shire of Exmouth to issue a lease to the Exmouth Go Kart Club it is recommended that the Chief Executive Officer is given delegation to execute a lease subject to consent from the Minister for Lands subsequent to Lot 500 being vested to the Shire of Exmouth.

CONSULTATION

The native title claimants, Department of Lands and Exmouth Go Kart Club have agreed to the terms of the deed. The operation of the Exmouth Go Kart Club at Lot 500 on Deposited Plan 69582 is required to be in accordance with the deed through any future lease.

STATUTORY ENVIRONMENT

Federal

Native Title Act 1993

State

Land Administration Act 1997

Transfer of Land Act 1893

POLICY IMPLICATIONS

Council Policy No. 2.3 – Common Seal

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

- Economic:
- 1 To be a diverse and innovative economy with a range of local employment opportunities.
 - 1.1 *To increase the number of local businesses, industries and services that will provide a range of employment opportunities for the people of Exmouth.*
 - 1.2 *Planned and balanced economic growth.*
 - 1.3 *Diverse tourism opportunities.*
 - 1.5 *Maintain and improve Shire infrastructure.*
- Environment:
- 2 To have a balanced respect for our environment and heritage, both natural and built.
 - 2.2 *Our pristine natural environment and biodiversity will be understood, maintained and protected.*
 - 2.3 *To have a town and community that takes pride in its world heritage status.*
 - 2.4 *To be a leader in eco-friendly initiatives and innovations.*
 - 2.5 *To make Exmouth an attractive town that is a comfortable and welcoming place to live and visit, and reflects the lifestyle values and unique natural environment.*
 - 2.6 *Incorporate Climate Change impacts onto current and future planning and policy of Land Developments.*

- Social: 3 To be a dynamic, passionate and safe community valuing natural and cultural heritage.
- 3.1 *Retain a safe community environment.*
 - 3.2 *Excellent lifestyle, recreational and cultural facilities.*
 - 3.3 *An inclusive, responsible and cohesive community.*
 - 3.4 *A community that is well informed and educated about our natural, cultural and built environment.*
 - 3.5 *Maintain and increase participation levels in local community organisations and clubs.*
 - 3.7 *Residents and visitors have access to appropriate services and facilities to enhance their health and wellbeing.*
- Civic Leadership: 4 To work together as custodians of now and the future.
- 4.1 *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*
 - 4.2 *A local government that is respected, professional, trustworthy and accountable.*
 - 4.3 *To be strong advocates representing the region's interests.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 15.2

That Council resolves to:

1. Sign the deed for the compulsory acquisition of Native Title rights and interests and grant of interest(s) in land being Lot 500 on Deposited Plan 69582; and
2. Delegate authority to the Chief Executive Officer to execute a lease of Lot 500 on Deposited Plan 69582 to the Exmouth Go Kart Club for the purpose of relocating the Exmouth Go Kart Track subject to consent from the Minister for Lands subsequent to a Management Order being issued to the Shire of Exmouth for the land.

16 ENGINEERING SERVICES

Nil

17. ITEMS FOR INFORMATION ONLY

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

PURPOSE

To advise Council of the information items for April 2017.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

ITEM 17

That Council note the following information items:

- 18.1 Register of Documents Stamped with the Shire of Exmouth Common Seal
- 18.2 Concessions on Fees for Council Facilities for April 2017
- 18.3 Building Decisions Issued up to 30 April 2017
- 18.4 Planning Decisions Issued up to 30 April 2017

17.1 REGISTER OF DOCUMENTS STAMPED WITH THE SHIRE OF EXMOUTH COMMON SEAL

Responsible Officer: Chief Executive Officer

Disclosure of Interest: Nil

PURPOSE

To advise Council of documents, as listed below, that have been stamped with the Common Seal of the Shire of Exmouth since the last meeting.

| DATE | DOCUMENT |
|------|----------|
| Nil | |
| | |

17.2 CONCESSIONS ON FEES FOR COUNCIL FACILITIES FOR APRIL 2017

File Reference: CP.US.0

Responsible Officer: Executive Manager Community Engagement

Date of Report: 20 April 2017

Disclosure of Interest: Nil

PURPOSE

To provide Council with a summary of all concessions on fees for Council's facilities and services under Section 4.1 of the *Register of Delegations of Authority from Council to the CEO and Other Officers* since the last Ordinary Council Meeting.

| NAME | REASON | AMOUNT (EXC.GST) |
|-----------------------------------|--|---------------------|
| Exmouth Community Markets Inc. | Application for Temporary Public Building: Medium Risk | \$88.00 |
| Exmouth Community Markets Inc. | Activities on Local Government Property per year | \$1089.00 |
| Exmouth PCYC | Application Fee and Permit Fee for Activities on Local Government Property | \$204.00 |
| Lioness Club of Exmouth | Application Fee and Permit Fee for Activities on Local Government Property | \$204.00 |
| Department of Transport | Application Fee and Permit Fee for Activities on Local Government Property | \$117.00 |
| Exmouth Anglican Community Church | Application Fee and Permit Fee for Activities on Local Government Property | \$ 117.00 |
| Exmouth PCYC | Venue Oval Hire – Kooboaroo Oval | \$ 368.18 |

17.3 BUILDING DECISIONS ISSUED UP TO 15 APRIL 2017

File Reference: DB.BD.0

Responsible Officer: Executive Manager Health & Building Services

Date of Report: 20 April 2017

Disclosure of Interest: Nil

PURPOSE

To provide Council with the building licence and building certificate applications and approvals made under Delegation pursuant to the *Building Act 2011* up to 15 April 2017.

| App # | Date Received | Lot | Property Address | Description | Decision | Decision Date |
|-------|---------------|------|------------------------|---------------------------|------------|---------------|
| 17/21 | 24/02/17 | 1268 | 3 Sculpin Court | Steel Framed Shed | Approved | 16/03/2017 |
| 17/24 | 01/03/17 | 32 | Unit 17 / 2 Murat Road | Chalet – Short Stay Accom | Processing | |
| 17/25 | 02/03/17 | 61 | 22 Searaven Crescent | Fibreglass Swimming Pool | Processing | |
| 17/26 | 03/03/17 | 16 | Unit 28 / 2 Murat Road | Chalet – Short Stay Accom | Processing | |
| 17/28 | 03/03/17 | 25 | Unit 41 / 2 Murat Road | Chalet – Short Stay Accom | Processing | |
| 17/31 | 23/03/17 | 117 | 38 Ingram Street | Sea Container | Processing | |
| 17/32 | 28/03/17 | 478 | 1 Osprey Way | Dwelling | Processing | |
| 17/33 | 30/03/17 | 189 | 10 Snapper Loop | Dwelling | Processing | |

17.4 PLANNING DECISIONS ISSUED UP TO 15 APRIL 2017

File Reference: LP.PL.0

Responsible Officer: Executive Manager Town Planning

Date of Report: 20 April 2017

Disclosure of Interest: Nil

PURPOSE

To advise Council of the following planning decisions issued under delegation for the above period.

| App # | Date Received | Lot | Property Address | Description | Decision | Decision Date |
|----------|---------------|-------------|-----------------------------------|---|--|---------------|
| PA70/16 | 13/06/16 | 2 | Yardie Creek Road | Additional Camping Sites | ON HOLD - Pending information from Applicant | |
| PA107/16 | 15/08/16 | 50 | Murat Road | Barge Loading Facility | ON HOLD - Pending information from Applicant | |
| PA112/16 | 25/08/16 | 1586 & 1587 | 164 Lyndon Location | Nature Based Park - Exmouth Gulf Pastoral Station | ON HOLD - Pending information from Applicant | |
| PA152/16 | 24/11/16 | 2 & 1 | 40 Pelias Street & 1 Carter Road | Change of Use | Processing | |
| PA162/16 | 20/12/16 | 126 | 35 Young Street | Sea Container | Processing | |
| PA166/16 | 05/01/17 | 101 | 15 Ingram Street | Sea Container & Shed Extension | Approved | 05/04/17 |
| PA15/17 | 23/01/17 | 21 | 5 Kennedy Street | Alfresco Dining Area | ON HOLD - Pending information from Applicant | |
| PA16/17 | 23/01/17 | 326 | Minilya-Exmouth Road | Dwelling | Processing | |
| PA23/17 | 08/02/17 | 403 | 20 Madaffari Drive | Holiday Accommodation | Approved at OCM | 07/04/17 |
| PA24/17 | 14/02/17 | 375 | 22 Corella Court | Holiday Accommodation | Approved at OCM | 07/04/17 |
| PA25/17 | 14/02/17 | 1155 | 39 Koolinda Way | Sea Container | Approved | 12/04/17 |
| PA26/17 | 15/02/17 | 478 | 1 Osprey Way | Single Dwelling | Approved | 16/03/17 |
| PA34/17 | 20/02/17 | 116 | 44 Ingram Street | 2 x Sea Containers | Processing | |
| PA35/17 | 22/02/17 | 161 | 5 Maidstone Crescent | Office (St John Ambulance) | Approved | 11/04/17 |
| PA37/17 | 22/02/17 | 380 | 32 Corella Court | Holiday Accommodation | Approved at OCM | 07/04/17 |
| PA38/17 | 22/02/17 | 73 | Lyndon Location (Reserve 32867/5) | Water Tank & Sea Container Insulation | Processing | |
| PA41/17 | 27/02/17 | 314 | Minilya-Exmouth Road | 2 x Sea Containers | Processing | |
| PA42/17 | 27/02/17 | 854 | 66 Murat Road | 2 x Sea Containers | Approved at OCM | 07/04/17 |
| PA43/17 | 27/02/17 | 20 | Unit 24 / 2 Murat Road | Short Stay Accommodation | Approved | 11/04/17 |
| PA44/17 | 28/02/17 | 831 | 7 Pelias Street | Storage Unit | Processing | |

| | | | | | |
|---------|----------|-----|--------------------------------------|--------------------------|------------|
| PA45/17 | 28/02/17 | 141 | 7 Dugong Close | Dwelling | Processing |
| PA50/17 | 13/03/17 | 267 | 25 Christie Street | Home Occupation | Processing |
| PA54/17 | 23/03/17 | 103 | 33 Bluefin Cove | Dwelling | Processing |
| PA56/17 | 27/03/17 | 31 | Unit 31 / 78 Maidstone Crescent | Decking | Processing |
| PA58/17 | 29/03/17 | 18 | 20 Pelias Street | Outbuilding | Processing |
| PA62/17 | 05/04/17 | 833 | 6 Nimitz Street | Home Occupation | Processing |
| PA63/17 | 06/04/17 | 134 | Minilya-Exmouth Road (Reserve 40007) | Telephone Base Station | Processing |
| PA65/17 | 31/03/17 | 21 | Unit 21 / 2 Murat Road | Short Stay Accommodation | Processing |
| PA66/17 | 13/04/17 | 104 | 35 Ingram Street | Sea Containers x 4 | Processing |
| PA67/17 | 13/04/17 | 861 | 59 McLeod Street | Sea Containers x 2 | Processing |
| PA69/17 | 13/04/17 | 833 | 6 Nimitz Street | Signage | Processing |

Permits Issued Under the *Local Government Act 1995*, Local Government Property Local Law.

| App | Date Received | Description | Date Issued |
|------------|----------------------|--|--------------------|
| PA32/17 | 20/02/17 | Cape Range Riders – Bike Week Activities | 25/03/17 |
| PA49/17 | 10/03/17 | Exmouth Amateur Swim Club – Raffle Tickets | 24/03/17 |
| PA51/17 | 17/03/17 | Exmouth Amateur Swim Club – Windup Event at Federation Park | 06/04/17 |
| PA52/17 | 24/03/17 | PCYC – Fun Truck at Koobooroo Oval for School Holiday Program | 05/04/17 |
| PA53/17 | 23/03/17 | Stand Up Paddle Board Demonstrations – Town Beach | 05/04/17 |
| PA57/17 | 28/03/17 | Busker in Ross Street Mall | 05/04/17 |
| PA59/17 | 31/03/17 | Exmouth Lioness Club – Raffle Tickets | 11/04/17 |
| PA60/17 | 31/03/17 | Department of Transport – Life Jacket Event – Exmouth Marina | 05/04/17 |
| PA61/17 | 03/04/17 | Exmouth Community Markets – Kennedy Street Markets | 06/04/17 |
| PA64/17 | 06/04/17 | Exmouth Anglican Community Church – Dawn Service at Lighthouse | 11/04/17 |

18. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

19. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

19.1 STRATEGIC COMMUNITY REFERENCE GROUP - TERMS OF REFERENCE

| | |
|-------------------------|-------------------------|
| File Reference: | GV.CM.0 |
| Responsible Officer: | Chief Executive Officer |
| Date of Report: | 13 April 2017 |
| Applicant/Proponent: | Nil |
| Disclosure of Interest: | Nil |
| Attachment(s): | 1. Terms of Reference |

PURPOSE

For Council to endorse the Strategic Community Reference Group Terms of Reference (Attachment 1)

BACKGROUND

In February, 2017 Commissioner Ian Fletcher adopted Council resolution 03-0317 authorising:

"...the establishment of the Shire of Exmouth Strategic Community Reference Group to advise on matters of significant community interest and strategic initiatives, in particular the Strategic Community Plan (2011-2021) review."

The establishment of the Strategic Community Reference Group (SCRG) is regarded as an important step towards restoring trust in the Shire of Exmouth by opening channels of communication with the community.

The SCRG will provide valuable input to Council on matters of significant community interest, integrated strategic planning of the Shire of Exmouth and other matters as referred by Council and the Chief Executive Officer in consultation with the SCRG.

To guide the operations of the SCRG, these proposed aims, representation, membership, meeting requirements, agendas, management, tenure and other relevant matters were to be set out in a terms of reference document to be endorsed by Council following consultation with the SCRG members.

COMMENT

The Strategic Community Reference Group has met on two occasions, first on 21 March, 2017 and again on 11 April, 2017.

The first meeting focused on the development of the terms of reference with discussion around matters including but not limited to the aims of the group, declaration of interests, membership, meeting times, period of appointment and review periods discussed (see minutes attached). This culminated in the drafting of a terms of reference which was circulated to members prior to the 11

April meeting. This meeting resolved to accept the draft terms of reference and seek Council endorsement.

The terms of reference will be reviewed by the SCRG in 12 months and any changes will need to be presented to Council for adoption.

CONSULTATION

Strategic Community Reference Group
Commissioner Ian Fletcher
Acting Chief Executive Officer Keith Woodward

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 1996 (Act s.5.56), Division 3 19C states:
(4) A local government is to review the current strategic community plan for its district at least once every 4 years.

Section 1.3(2) of the *Local Government Act 1995* states:

This Act is intended to result in –

- (a) Better decision making by local governments;
- (b) Greater community participation in the decisions and affairs of local government;
- (c) Greater accountability of local governments to their communities; and
- (d) More efficient and effective local government.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

- Civic Leadership: 4 To work together as custodians of now and the future.
- 4.1 *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*
 - 4.2 *A local government that is respected, professional, trustworthy and accountable.*
 - 4.3 *To be strong advocates representing the region's interests.*

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 19.1

That the Commissioner endorse the Strategic Community Reference Group's Terms of Reference document, noting the 12 month review period.

20. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

20.1 RELEASE PRICES FOR 11 SPECIAL RURAL LOTS

20.2 CHIEF EXECUTIVE OFFICER EMPLOYMENT CONTRACT AND KEY PERFORMANCE INDICATORS

21. CLOSURE OF MEETING